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PATENT APPLICATION
09/551,899



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**In The United States Patent and Trademark Office
On Appeal From The Examiner To The Board
of Patent Appeals and Interferences**

In re Application of: Harri (nmi) Rajala et al.
Serial No.: 09/551,899
Filing Date: April 19, 2000
Group Art Unit: 2173
Examiner: Namitha Pillai
Title: *Method and Apparatus for Supporting Multiple Alternative
Graphical User Interfaces in Computer-Moderated Electronic
Commerce*

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Dear Sir:

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Willie Jiles

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Date: January 5, 2004

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Reply Brief

Appellants respectfully submit this Reply Brief under 37 C.F.R. § 1.193(b)(1), in triplicate, in response to the Examiner's Answer mailed November 5, 2003.

Appellants filed an Appeal Brief on August 11, 2003, explaining clearly and in detail why the final rejection of Claims 1-2, 4-6, 8, and 10-19 is improper and should be reversed by the Board. As explained in more detail below, the Examiner's final rejection of these claims cannot be properly maintained. Appellants respectfully request the Board to reverse this final rejection and instruct the Examiner to issue a Notice of Allowance with respect to these claims.

Argument

The rejection, under 35 U.S.C. § 103(a), of Claims 1-2, 4-6, 8, and 10-19 as being unpatentable over the proposed *Isreal-Shaw* combination is improper and should be reversed by the Board.

Appellants note that the Examiner's Answer consists almost entirely of material repeated verbatim from the Final Office Action. The Examiner has merely added several sentences to material repeated verbatim from the Final Office Action and several sentences in response to Appellants' Appeal Brief. Below, Appellants specifically address these additional sentences and the Examiner's brief response to Appellants' Appeal Brief.

In the Examiner's Answer, the Examiner asserts that *Shaw* discloses "selection of the proper display engine's specifications made through the dialog manager, based on . . . the user's bandwidth capabilities" and "the protocol engine allowing for the selection of the display capabilities based on the bandwidth of the user's system." (Examiner's Answer, Page 5). Appellants respectfully submit that this is clearly not the case.

The Examiner cites two passages from *Shaw* in support of these assertions. (Examiner's Answer, Page 5). The first passage cited by the Examiner states, "Preferably, UAP server 250 via session manager 270 associates one protocol engine and one display engine for each corresponding application type. They are invoked and the display engine is downloaded on-demand to the requesting client device." (*Shaw*, Column 8, Lines 3-7). Appellants respectfully submit that, despite the Examiner's assertion to the contrary, this passage in no way discloses, teaches, or suggests selection of a display engine based on bandwidth capabilities, much less ***selecting one of the plurality of rendering engines for each Buyer based on a bandwidth of the Buyer's communication channel***, as specifically recited in independent Claim 1 and in substantially similar form in independent Claims 5, 10, 14, and 17. Instead, this passage merely discloses that the display engine is invoked according to an application type of an application that has been requested by the client, independent of any bandwidth considerations.

The second passage cited by the Examiner states, "The appropriate protocol engine translates the standard protocol request into an adaptive internet protocol that the display engine

on the client device can display.” (*Shaw*, Column 8, Lines 14-17). Appellants respectfully submit that, despite the Examiner’s assertion to the contrary, this passage in no way discloses, teaches, or suggests selection of display capabilities based on bandwidth, much less ***selecting one of the plurality of rendering engines for each Buyer based on a bandwidth of the Buyer’s communication channel***, as specifically recited in independent Claim 1 and in substantially similar form in independent Claims 5, 10, 14, and 17. This passage merely discloses a protocol engine emulating a client of a first application type to enable communication between an application of the first application type at an application server and a client of a second application type requesting access to the application. Applicants note that this passage in fact does not even involve selection of display capabilities, much less selection of display capabilities based on bandwidth

In the “Response to Argument” section of the Examiner’s Answer, the Examiner further asserts that *Shaw* discloses a session manager that “allow[s] for the selection of the correct engines for rendering purposes, based on local performance factor information that is collected from a particular client, wherein the session manager through the communication with the protocol engine which determines the bandwidth data for a client, allows for the selection of the appropriate display rendering engine.” (Examiner’s Answer, Page 11). Appellants respectfully submit that this is clearly not the case.

In support of this assertion, the Examiner cites two portions of *Shaw*. The first portion of *Shaw* cited by the Examiner discloses that a display engine is downloaded from a server to a client and executed at the client. (Column 4, Lines 7-9). Then, after the display engine has been downloaded and executed independent of any bandwidth considerations, a protocol engine is initialized with parameters of the connection from the server to the display engine, including bandwidth. (Column 4, Lines 9-14). Appellants respectfully note that, despite the Examiner’s assertion to the contrary, this portion of *Shaw* in no way discloses, teaches, or suggests selection of an appropriate display rendering engine according to bandwidth data for a client, much less ***selecting one of the plurality of rendering engines for each Buyer based on a bandwidth of the Buyer’s communication channel***, as specifically recited in independent Claim 1 and in substantially similar form in independent Claims 5, 10, 14, and 17. In *Shaw*, the display engine is downloaded to the client independent of any bandwidth considerations before the protocol

engine is even initialized. Therefore, the parameters of the connection from the server to the display engine are clearly not involved in downloading the display engine.

The second portion of *Shaw* cited by the Examiner discloses a session manager engine connecting display engines to protocol engines. (Column 11, Lines 11-16). As discussed above, in *Shaw*, correspondence between a display engine and a protocol engine is based on application type, not on bandwidth. Appellants therefore respectfully submit that, despite the Examiner's assertion to the contrary, this portion of *Shaw* also fails to disclose, teach, or suggest selection of an appropriate display rendering engine according to bandwidth data for a client, much less ***selecting one of the plurality of rendering engines for each Buyer based on a bandwidth of the Buyer's communication channel***, as specifically recited in independent Claim 1 and in substantially similar form in independent Claims 5, 10, 14, and 17.

For at least these reasons, the proposed *Isreal-Shaw* combination fails to disclose, teach, or suggest the particular combination of limitations specifically recited in independent Claims 1, 5, 10, 14, and 17. Independent Claims 1, 5, 10, 14, and 17 and their dependent claims are therefore patentable over the proposed *Isreal-Shaw* combination. Appellants respectfully submit that the rejection of these claims is improper and should be reversed by the Board.


Conclusion

Appellants have demonstrated that the present invention, as claimed, complies with all statutory requirements for a U.S. Patent. Therefore, Appellants respectfully request the Board to reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance with respect to all pending claims.

Appellants believe no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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